IN THE HIGH COURT OF JUDICATURE AT BOMBAY:

NAGPUR BENCH: NAGPUR

CRIMINAL APPLICATION NO.3184 OF 2006

Virendra Singh Devnarayan Singh

versus

State of Maharashtra

Mr. M. I. Dhatrak, advocate for applicant

Mr. Thakre, A. P.P. for state.

CORAM: S.R. DONGAONKAR, J.

DATE: 26.9.2006

Heard counsel for the parties.

By this application, the applicant claims anticipatory bail under section 438 of Criminal Procedure Code on the contention that he is likely to be arrested for the offence punishable under section 304 read with section 34 of I.P.C. vide crime no.79/2006, Police Station, Wani. The alleged offence is dated 1.5.2004. It clearly appears that the offence has been registered after about 2 years of the incident. There is no satisfactory reason appealing from the record as to why it took about 2 years to register offence against the applicant.

It appears that the learned Additional Sessions Judge, Kelapur had ordered release of the applicant on anticipatory bail on 8.5.2006, however, with the direction that accused should surrender before the Police Station Wani. It further

appears that the accused surrendered before the learned Magistrate and sought bail, however,, said application was rejected by the J.M.F.C. Wani on 20.5.2006. Thereafter again the matter was taken up before the Additional Sessions Judge, Kelapur, he vide his order dated 12.6.2006 rejected the application.

In the above circumstances, there is no sufficient reason to refuse anticipatory bail and more so there appears no need of custodial interrogation of the applicant. Hence in the event of arrest of the applicant for the offence under section 304 read with section 34 of I.P.C. in crime no.79.2006, for the alleged incident dated 1.5.2004, the applicant be released on bail on his furnishing P.R. bond in the sume of Rs. 25000/- with one surety in the same amount, on the condition that he shall report the Police Station Wani as and when directed by the Investigating Officer for the purpose of investigation and shall not directly or indirectly tamper with the prosecution evidence.

The application stands disposed of accordingly.

JUDGE

smp.